IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

F.A.O No. 440 of 2003 (O&M)
Date of decision : January 31, 2014

Smt. Sarita Raj and others,

..... Appellants

v.

M/S Triple Investments Ltd and another,

..... Respondents

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CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

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Present : Mr. Sanjeev Singh, Advocate
for Mr. Harkesh Manuja, Advocate
for the appellants.

Mr. Paul S Saini, Advocate
for the Insurance Company.

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1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

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AJAY TEWARI, J (Oral)

This appeal has been filed by the appellants/claimants challenging the Award of the Tribunal dated 5.12.2002 vide which their claim petition has been dismissed.

Brief facts are that on 31.3.2001, Raj Kumar, since deceased, along with Hawa Singh was going from Karnal to Gaziabad in a Cielo car being driven by Raj Kumar and when they reached near PGF Farm in the area of Samalkha, left tyre of the car burst and the car went turtle, as a result of which Raj Kumar received serious injuries and later-on died.

The Tribunal dismissed the claim petition as the claimants

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failed to prove their case.

Counsel for the appellants has argued that the Tribunal has erred in holding that the car in question was not involved in the accident.

Counsel for the Insurance Company has argued that even if this fact is accepted, yet the appellants would not be entitled to any compensation because it was the deceased who was driving the car. He has placed reliance upon the decision of the Hon'ble Supreme Court in Ningamma and another vs United India Insurance Co. Ltd., AIR 2009 (SC) 3056 to contend that claim petition under Section 163A of the Motor Vehicle Act by legal representatives of the deceased is not maintainable when the driver who is also the owner of the vehicle dies in a road accident.

Counsel for the appellants has not been able to cite any contrary judgment.

Consequently, finding no merit in this appeal, the same is dismissed.

(AJAY TEWARI)
JUDGE

January 31, 2014
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